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SEP 18 2008

In re Application of  
Graeme Semple  
Application No. 10/530,902  
Filed: April 8, 2005  
Attorney Docket No. 22578-002US1  
029.US2.PCT

ON PETITION

This is a decision on the petition, filed August 22, 2008, to withdraw the holding of abandonment which is being treated under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**.

This application became abandoned on February 11, 2008, for failure to file a timely response to a Restriction Requirement mailed January 8, 2008, which set a one month shortened statutory period for reply. No extensions of the time for reply under 37 CFR 1.136(a) were obtained prior to the expiration of the extendable period. Accordingly, a Notice of Abandonment was mailed August 8, 2008.


Petitioner argues however that a response was filed on July 2, 2008 with a five month extension of time and provides copies of the response which bears a certificate of mail dated July 2, 2008, filed with a copy of a post card receipt post marked on July 2, 2008 by the USPTO.

A search of the application file and the USPTO records reveals that in fact, a response was filed on July 2, 2008. As well, copy of the post-card receipt, date stamped by the USPTO on July 2, 2008 is of record with the instant petition.

Accordingly, the response was timely and the Notice of Abandonment mailed August 8, 2008 was mailed in error and is hereby withdrawn. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 1626 for treatment of the response filed July 2, 2008 as appropriate.

Telephone inquiries concerning this matter may be directed to the undersigned  
Petitions Attorney at (571) 272-3212.

  
Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions